

1 GENTILE CRISTALLI
2 MILLER ARMENI SAVARESE
3 PAOLA M. ARMENI
4 Nevada Bar No. 8357
5 Email: parmeni@gcmaslaw.com
6 410 South Rampart Boulevard, Suite 420
7 Las Vegas, Nevada 89145
8 Tel: (702) 880-0000
9 Fax: (702) 778-9709
10 Attorney for Defendant, MARC DIMAGIBA

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 MARC DIMAGIBA,

18 Defendant.

CASE NO. 2:18-cr-00105-JCM-NJK

19 **STIPULATION AND ORDER TO CONTINUE SENTENCING (FIRST REQUEST)**

20 **IT IS HEREBY STIPULATED** by and between Marc DiMagiba (“Mr. Dimagiba”),
21 Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Gentile
22 Cristalli Miller Armeni Savarese and the Plaintiff, United States of America, by and through
23 Nicholas A. Trutanich, United States Attorney, and, Allison Reese, Assistant United States
24 Attorney, that the sentencing hearing currently scheduled for September 9, 2019, at 10:00 a.m.,
25 be vacated. The Parties respectfully request the hearing be continued to September 18, 2019, at
26 10:00 a.m.

27 This Stipulation is entered into for the following reasons:

- 28 1. Sentencing in this matter is currently scheduled for September 9, 2019, at 10:00 a.m.
1. Ms. Armeni will be out of the jurisdiction on September 9 and 10th for a State Bar of Nevada Board of Governors’ Meeting.

1 3. Ms. Armeni needs a short continuance of the current sentencing hearing so she can be
2 present at the sentencing hearing on behalf of Mr. Dimagiba.

3 4. Mr. DiMagiba has appeared in this case and is in custody and, along with the
4 government, agrees to this short continuance.

5 5. The additional time requested herein is not sought for purposes of delay and the denial of
6 this request for a continuance could result in a miscarriage of justice.

7 6. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
8 hearing for good cause. Good cause exists in this case.

9 7. For all the above-stated reasons, the ends of justice would be best served by a short
10 continuance of the sentencing hearing.

11 8. This is the first request for a continuance of the sentencing hearing.

12 NICHOLAS A. TRUTANICH
13 UNITED STATES ATTORNEY
14 DISTRICT OF NEVADA

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

15 DATED this 10th day of June, 2019.

DATED this 10th day of June, 2019

16 /s/ Allison Reese
17 ALLISON REESE
18 Assistant United States Attorney
19 Attorneys for Plaintiff,
20 UNITED STATES OF AMERICA

/s/ Paola M. Armeni
21 PAOLA M. ARMENI
22 Attorney for Defendant,
23 MARC DIMAGIBA
24
25
26
27
28

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00105-JCM-NJK

4 Plaintiff,

5 vs.

6 MARC DIMAGIBA,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court hereby finds that:

11 **CONCLUSIONS OF LAW**

12 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

- 13 1. Sentencing in this matter is currently scheduled for September 9, 2019, at 10:00 a.m.
- 14 2. Ms. Armeni will be out of the jurisdiction on September 9 and 10th for a State Bar of
15 Nevada Board of Governors' Meeting.
- 16 3. Ms. Armeni needs a short continuance of the current sentencing hearing so she can be
17 present at the sentencing hearing on behalf of Mr. Dimagiba.
- 18 4. Mr. DiMagiba has appeared in this case and is in custody and, along with the
19 government, agrees to this short continuance.
- 20 5. The additional time requested herein is not sought for purposes of delay and the denial of
21 this request for a continuance could result in a miscarriage of justice.
- 22 6. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
23 hearing for good cause. Good cause exists in this case.

24 ...

25 ...

26 ...

27 ...

28

